

REMARKS

Claims 1-17, 19-38, and 40-43 are pending in the application. The same are presented for examination upon entry of the present amendment. Claims 1 and 23 are independent.

Claim rejections, 35 U.S.C. § 103

The Office Action rejects claims 1 and 23 under § 103(a) as being unpatentable over U.S. Pat. App. Pub. 2003/0076934 of Albal, et al. ("Albal") in view of U.S. Pat. 6,757,360 of Tolopka ("Tolopka"). Applicant traverses.

Present claim 1 provides, in relevant pertinent part, a method for populating an address book, having steps of: analyzing information stored in a billing database or call data record, wherein said analyzing is a statistical search; and deleting from the address book telephone numbers that are stale numbers.

In constructing the rejection of claim 1, the Office Action acknowledges that Albal does not disclose, and asserts that Tolopka supplies, the missing feature of predetermined criteria [for number extraction] being related to a number of times a user receives a call from a number within a certain time period. Applicant respectfully submits that at most Albal and Tolopka lead the skilled artisan to contemplate computation of a rate, and that the mere computation of a rate is not a step of analyzing with a statistical search (such as that performed by analyzing unit 114), as required by claim 1.

The present application at ¶28 clarifies a way in which entries are removed from the address book. The presently-claimed feature of claim 1 of deleting stale entries is to be distinguished from, e.g., Albal's discussion at ¶0029 *ff.*, in which Albal clearly discloses placing a newly-arrived number atop a CNR; the CNR in Albal has a capacity to accommodate only a certain number of entries therein, and when full it becomes necessary to push an entry off to accommodate a newcomer. Indeed, Albal says no more than that it

is preferable (though Applicant would argue it is necessary, in a FIFO-type data structure) to erase whatever entry is the last in the CNR. See Albal at ¶¶0030.

In contradistinction, the method of claim 1 removes *stale* numbers. A stale number is not *per se* an old number. In fact, a skilled artisan would readily appreciate that a number that is newer than an old number could, nevertheless, be thought to be stale with respect to the old number if the old number is, e.g., more frequently in use. Albal's FIFO approach would never permit the steps of claim 1.

Tolopka provides the skilled artisan with no guidance to accomplish removal of a stale entry. Upon close inspection, one sees that Tolopka speaks of allowing a user to "allow entries to expire after a user-specified time period" but this mere allusion to aging-out does not disclose removal of stale numbers. Tolopka otherwise refers to entries only in the context of their creation, remaining silent on matters of staleness.

In view of the above, Applicant respectfully submits that Albal and Tolopka, operating either singly or in the recited combination, do not disclose claim 1. Reconsideration and withdrawal of the §103 rejection of claim 1 in view of these references are respectfully solicited.

The analyzing unit of present claim 23 undertakes the steps described above with respect to claim 1. Accordingly, Applicant submits that the §103 rejection of claim 23 over Albal and Tolopka should be reconsidered and withdrawn.

The Office Action also rejects claims 1 and 23 under §103 as being unpatentable in view of US2004/0203579 of Comp ("Comp") in view of both US2003/0078981 of Harms, et al. ("Harms") and Tolopka. Applicant traverses.

In constructing this second §103 rejection of claim 1, the Office Action acknowledges that Comp and Harms fail to disclose a number of times that a user is called

from a particular number per unit time. The Office Action introduces Tolopka for the proposition that Tolopka operates to cure this acknowledged deficiency by shunting numbers to either reject or accept lists.

As discussed above, Tolopka fails to disclose the feature of claim 1 of performing a statistical search. The Office Action has also failed to assert that one or a combination of Harms and Comp disclose statistical searching. Indeed, Harms does not discuss calls or, call data records, and it follows that Harms makes no disclosure of a statistical search of same; likewise a removal of stale numbers is not contemplated.

The analyzing unit of present claim 23 undertakes the steps described above with respect to claim 1. Accordingly, Applicant submits that the §103 rejection of claim 23 over the cited combination of Harms, Comp, and Tolopka should be reconsidered and withdrawn.

Independent claims 1 and 23 define patentably over the art of record. Passage of claims 1 and 23 to allowance is respectfully solicited.

Claims 2-17, and 19-22 depend from claim 1. By virtue at least of this dependence, such claims also define patentably over the art. Reconsideration and withdrawal of the rejections of such claims are earnestly sought. Passage of the claims depending from claim 1 to allowance is respectfully solicited.

Claims 24-38, and 40-43 depend from claim 23. By virtue at least of this dependence, such claims also define patentably over the art. Reconsideration and withdrawal of the rejections of such claims are earnestly sought. Passage of the claims depending from claim 23 to allowance is respectfully solicited.

The examiner is invited to contact the undersigned to discuss advancement of prosecution of the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N. J. Ruggiero", is written over a horizontal line.

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